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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

IN RE INCRETIN-BASED THERAPIES  
PRODUCTS LIABILITY LITIGATION

PAUL BURGETT

Plaintiff,

v.

MERCK SHARP & DOHME CORP.

Defendants.

3:13-md-02452-AJB-MDD

MDL NO. 2452

Judge: Hon. Anthony J. Battaglia  
Magistrate Judge: Mitchell D.  
Demin

**STIPULATION AND  
UNOPPOSED MOTION TO  
SUBSTITUTE PLAINTIFF AND  
AMEND CAPTION AND  
COMPLAINT**

Case No. 3:15-cv-00995-AJB-MDD

WHEREAS counsel for Plaintiff represents as follows:

1. Plaintiff filed the present action on May 4, 2015.
2. On June 24, 2015, Plaintiff died of complications from pancreatic cancer.
3. On July 24, 2015, Plaintiff's counsel filed a Suggestion of Death under Rule 25(a)(1) of the Federal Rules of Civil Procedure.
4. Karen Burgett is the Successor-in-Interest and surviving spouse to Plaintiff's estate.

IT IS HEREBY STIPULATED by the parties that Karen Burgett may

1 be substituted as the plaintiff under Rule 25(a)(1) of the Federal Rules of  
2 Civil Procedure, subject to the reservation of all rights and defenses by  
3 defendant. The parties stipulate further that the caption of the case be  
4 amended as follows: *KAREN BURGETT, INDIVIDUALLY AND AS*  
5 *SUCCESSOR-IN-INTEREST OF THE ESTATE OF PAUL BURGETT,*  
6 *DECEASED, Plaintiff, v. MERCK SHARP & DOHME CORP, Defendant;* and  
7 the complaint may be amended to include wrongful death claims, as  
8 shown in the attached Exhibit A.

9 Dated: September 2<sup>nd</sup>, 2015 Respectfully submitted,  
10 **WATTS GUERRA LLP**

11 s/ Ryan L. Thompson

12 Ryan L. Thompson  
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18 [rlt-bulk@wattsguerra.com](mailto:rlt-bulk@wattsguerra.com)  
19 Attorney for Plaintiff

20 Dated: September 2<sup>nd</sup>, 2015 s/ Douglas R. Marvin

21 Douglas R. Marvin  
22 [dmarvin@wc.com](mailto:dmarvin@wc.com)  
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24 725 Twelfth Street, N.W.  
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26 Telephone: (202) 434-5000  
27 Facsimile: (202) 434-5029  
28 Attorneys for Defendant Merck Sharp & Dohme Corp.

1     **CERTIFICATION OF ACCEPTANCE OF CONTENT BY ALL PARTIES**

2           I, Ryan L. Thompson, declare under penalty of perjury and pursuant  
3 to the laws of California and the United States that I have in my  
4 possession e-mail correspondence from defense counsel dated September  
5 2<sup>nd</sup>, 2015 that the content of this Unopposed Motion and Stipulation is  
6 acceptable to all persons required to sign it.

7  
8                                     s/ Ryan L. Thompson  
                                   Ryan L. Thompson

9  
10  
11  
12                                     **CERTIFICATE OF SERVICE**

13           The undersigned hereby certifies that a true and accurate copy of the  
14 foregoing was served upon all counsel of record via the Court's CM/ECF  
15 Filing System this 2<sup>nd</sup> day of September, 2015.

16                                     s/ Ryan L. Thompson  
17                                     Ryan L. Thompson